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Attorneys for Plaintiffs

**IN THE UNITED STATES DISTRICT COURT**  
**FOR THE DISTRICT OF ARIZONA**

IN RE BARD IVC FILTERS  
PRODUCTS LIABILITY LITIGATION

No. MD-15-02641-PHX-DGC

**FIRST AMENDED SHORT FORM  
COMPLAINT FOR DAMAGES FOR  
INDIVIDUAL CLAIMS**

Plaintiff(s) named below, for their Complaint against Defendants named below,  
incorporate the Master Complaint for Damages in MDL 2641 by reference (Doc. 364).

Plaintiff(s) further show the Court as follows:

1. Plaintiff/Deceased Party:

John L. Kuhn, Jr.

2. Spousal Plaintiff/Deceased Party's spouse or other party making loss of  
consortium claim:

1 N/A

- 2 3. Other Plaintiff and capacity (i.e., administrator, executor, guardian,  
3 conservator):

4 N/A

- 5 4. Plaintiff's/Deceased Party's state(s) [if more than one Plaintiff] of residence at  
6 the time of implant:

7 Pennsylvania

- 8 5. Plaintiff's/Deceased Party's state(s) [if more than one Plaintiff] of residence at  
9 the time of injury:

10 Pennsylvania

- 11 6. Plaintiff's current state(s) [if more than one Plaintiff] of residence:

12 Pennsylvania

- 13 7. District Court and Division in which venue would be proper absent direct filing:

14 United States District Court for the Middle District of Pennsylvania

- 15 8. Defendants (check Defendants against whom Complaint is made):

16 ☒ C.R. Bard Inc.

17 ☒ Bard Peripheral Vascular, Inc.

- 18 9. Basis of Jurisdiction:

19 ☒ Diversity of Citizenship

20 ☐ Other: \_\_\_\_\_

- 21 a. Other allegations of jurisdiction and venue not expressed in Master  
22 Complaint:

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10. Defendants' Inferior Vena Cava Filter(s) about which Plaintiff(s) is making a claim (Check applicable Inferior Vena Cava Filter(s)):

- ☐ Recovery<sup>®</sup> Vena Cava Filter
- ☐ G2<sup>®</sup> Vena Cava Filter
- ☐ G2<sup>®</sup> Express (G2<sup>®</sup>X) Vena Cava Filter
- ☐ Eclipse<sup>®</sup> Vena Cava Filter
- ☒ Meridian<sup>®</sup> Vena Cava Filter
- ☐ Denali<sup>®</sup> Vena Cava Filter
- ☐ Other: \_\_\_\_\_

11. Date of Implantation as to each product:

May 4, 2013  
\_\_\_\_\_

12. Counts in the Master Complaint brought by Plaintiff(s):

- ☒ Count I: Strict Products Liability – Manufacturing Defect
- ☒ Count II: Strict Products Liability – Information Defect (Failure to Warn)
- ☒ Count III: Strict Products Liability – Design Defect
- ☒ Count IV: Negligence - Design
- ☒ Count V: Negligence - Manufacture

- ☒ Count VI: Negligence – Failure to Recall/Retrofit
- ☒ Count VII: Negligence – Failure to Warn
- ☒ Count VIII: Negligent Misrepresentation
- ☒ Count IX: Negligence *Per Se*
- ☒ Count X: Breach of Express Warranty
- ☒ Count XI: Breach of Implied Warranty
- ☒ Count XII: Fraudulent Misrepresentation
- ☒ Count XIII: Fraudulent Concealment
- ☒ Count XIV: Violations of Applicable Pennsylvania (73 P.S. § 201-1 et seq.) (insert state) Law Prohibiting Consumer Fraud and Unfair and Deceptive Trade Practices
- ☐ Count XV: Loss of Consortium
- ☐ Count XVI: Wrongful Death
- ☐ Count XVII: Survival
- ☒ Punitive Damages
- ☒ Other(s): All claims for Relief set forth in the Master complaint for an amount to be determined by the trier of fact including for the following: (please state the facts supporting this Count in the space immediately below)
- On May 4, 2014, John Kuhn Jr. had a Bard Meridian filter installed in his Inferior Vena Cava. Since the installation, Mr. Kuhn has suffered physical and emotional damages in an amount to be proven at trial.

**JURY DEMAND**

Plaintiff demands a Trial By Jury.

RESPECTFULLY SUBMITTED this 8th day of April 2016.

**GALLAGHER & KENNEDY, P.A.**

By /s/ Robert W. Boatman

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**CERTIFICATE OF SERVICE**

I hereby certify that on this 8th day of April, 2016, I electronically transmitted the attached document to the Clerk's Office using the CM/ECF System for filing and transmittal of a Notice of Electronic Filing.

/s/ Deborah Yanazzo

Deborah Yanazzo

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